

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14559, of Kevin Mulshine and Laura A. Kumin, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the rear yard requirements (Sub-section 3304.1) to construct a rear addition to a dwelling in an R-1-B District at premises 3620 Kanawha Street, N.W., (Square 1990, Lot 80).

HEARING DATE: February 18, 1987

DECISION DATE: February 18, 1987 (Bench Decision)

FINDINGS OF FACT:

1. The site, known as premises 3620 Kanawha Street, N.W. is located on the south side of Kanawha Street between Chevy Chase Parkway and Nevada Avenue. It is in an R-1-B District.

2. The site is rectangular in shape with a frontage of 50 feet along Kanawha Street and a depth of 82.50 feet. A 15 foot wide public alley is located to the rear of the site. The site is improved with a two-story brick structure.

3. The R-1-B District extends to the north, east and west of the site. An R-2 District is located to the south of the site. The area is developed with single family detached dwellings.

4. Pursuant to Paragraph 8207.11 of the Zoning Regulations, the applicants are seeking a variance from the rear yard requirements (Sub-section 3304.1) to construct a rear addition to their dwelling.

5. A wooded deck constructed prior to the application extends approximately 13 feet into the rear yard exists to the east of the back of the house. The rear edge of the deck is approximately 14 feet away from the rear lot line.

6. The applicants propose to construct a trellis above the existing decks and a one-story addition to the west. The addition will extend approximately 13 feet from the rear of the structure. There will be a distance of approximately 14 feet between the rear of the addition and the rear lot line.

7. The addition will have large windows and/or glass doors to the rear and east. It is intended as a breakfast

room/play area and is located adjacent to the kitchen.

8. The yard to be covered by the addition is sloping so that it is not useful as an outdoor sitting area.

9. The applicants do not want to place the addition on the front of the house where it would be possible to expand as a matter-of-right as a new addition at that location would not be suited to the character of the other houses on the block.

10. Numerous other homes in the neighborhood have rear additions similar to that proposed. The proposed addition would provide a rear yard comparable in size or larger than others in the immediate area.

11. Advisory Neighborhood Commission (ANC) 3G reported that it supports the application since the immediate neighbors were notified and had no objections. The Board concurs with the recommendation of the ANC.

12. Owners of property adjacent to and near the subject site signed a petition which was submitted to the record. The petition stated that they had reviewed the plans for the addition and that they had no objections to it. The neighbors owning property directly to the rear of the site also submitted a letter stating that they had no objections to the proposed addition.

13. There was no opposition to the application at the public hearing or of record.

CONCLUSIONS OF LAW AND OPINION:

Based on the findings of fact and the evidence of record, the Board concludes that the applicants are seeking area variances, the granting of which requires a showing through substantial evidence of a practical difficulty upon the owner arising out of some unique or exceptional narrowness shallowness, shape or topographical conditions. The Board further must find that the relief requested can be granted without substantial detriment to the public good and that it will not substantially impair the intent, purpose and integrity of the zone plan.

The Zoning Regulations require a rear yard of 25 feet. The proposed addition will provide a rear yard of 14 feet necessitating a variance of 11 feet or 44 percent. The Board concludes that the applicants have met their burden of proof. The Board notes that the impact of the variance would be minimal. The total lot occupancy of 1,385 square feet would be well below the total allowed of 1650 square feet. The proposed addition would be located in the only logical position to harmonize with the design or the

The Board further concludes that granting the proposed relief will not cause substantial detriment to the public good and will not substantially impair the intent, purpose and integrity of the zone plan. The Board concludes that it has afforded to the ANC the "great weight" to which it is entitled. Accordingly, it is hereby ORDERED that the application is GRANTED SUBJECT to the CONDITION that construction shall be in accordance with the plans marked as Exhibit No. 7 of the record.

VOTE: 5-0 (Lindsley Williams, Charles R. Norris, William F. McIntosh, Paula L. Jewell and Carrie L. Thornhill to grant).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


EDWARD L. CURRY
Acting Executive Director

FINAL DATE OF ORDER: APR 3 1987

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

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